

SEP 18 2008

PTO/SB/64 (08-08)

Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
F-9177

First named inventor: Hideaki YOSHIDA

Application No.: 10/594,663

Art Unit: UNKNOWN

Filed: September 28, 2008

Examiner: UNKNOWN

Title: SPREAD OUT-TYPE PAPER DIAPER

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- Other than small entity - fee \$ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of VERIFICATION OF TRANSLATOR IN RESPONSE TO DECISION(identify type of reply):

- has been filed previously on _____.
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on 09/19/2008 VBUI11 00000026 1859 663
 is enclosed herewith.

01 FC:1453

1540.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

SEP 18 2008

PTO/SB/64 (08-08)

Approved for use through 09/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

September 18, 2008

Date

C. Bruce Hamburg

22,389

Typed or printed name

Registration Number, if applicable

122 East 42nd Street, Suite 4000

(212) 986-2340

Address

Telephone Number

New York, New York 10168

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: VERIFICATION OF TRANSLATOR IN RESPONSE TO DECISION ON RESPONSE AND PTO 2038

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

 Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

September 18, 2008

Date

Signature

C. Bruce Hamburg

Typed or printed name of person signing certificate

**RECEIVED
CENTRAL FAX CENTER**

SEP 18 2008

F-9177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------|---|------------------------------|
| Applicant | : | Hideaki YOSHIDA |
| Serial No. | : | 10/594,663 |
| Filed | : | September 28, 2006 |
| For | : | SPREAD OUT-TYPE PAPER DIAPER |
| Group Art Unit | : | UNKNOWN |
| Examiner | : | UNKNOWN |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VERIFICATION OF TRANSLATION

Sir:

I, Iori Joko, residing at 133 Scaman Avenue, #1A, New York, New York 10034, declare that I am fluent in Japanese and English. Attached is a declaration which is both in English and Japanese and I hereby declare that the English and Japanese are the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both

F9177 veriftrans iori 07-08 (IQC22).wpd

Best Available Copy

09/18/2008 16:44 FAX 12129537733

004/012

F-9177

Ser. No. 10/594,663

under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name: Lori Joko

Signature: Lori Joko

Date: Sept 16, 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

10 JUL 2008

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

JORDAN AND HAMBURG LLP
 122 EAST 42ND STREET
 SUITE 4000
 NEW YORK NY 10168

RECEIVED
 CENTRAL FAX CENTER
 SEP 18 2008

In re Application of
 YOSHIDA et al.
 Application No.: 10/594,663
 PCT No.: PCT/JP05/06078
 Int. Filing Date: 30 March 2005
 Priority Date: 30 March 2004
 Attorney Docket No.: F-9177
 For: SPREAD OUT TYPE PAPER DIAPER

DECISION ON
 RESPONSE

This is a decision applicant's response to Notification of Missing Requirements filed in the United States Patent and Trademark Office (USPTO) on 12 May 2008.

BACKGROUND

On 28 September 2006, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee. On 26 October 2006, applicant filed an executed declaration identifying Izumi Watanabe, Ryoichi Yamada and Takeshi Uchida.

On 25 September 2007, the Office mailed Notification of Missing Requirements indicating that declaration was not in compliance with 37 CFR 1.497(a) and (b), in that the inventors listed on the declaration were not the same as listed on the international application. On 29 October 2007, applicant filed a response.

On 10 April 2008, a Notification of Defective Response was mailed to applicant indicating that the declaration did not identify inventor Hideaki Yoshida.

On 12 May 2008, applicant filed a declaration identifying and executed by Hideaki Yoshida as sole inventor.

DISCUSSION

A review of the declaration filed on 12 May 2008 reveals that the declaration is in the Japanese and English language. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. The declaration is not the USPTO form (PTO/SB/106). Nor is the declaration accompanied by a statement that the translation is

Application No.: 10/594,663

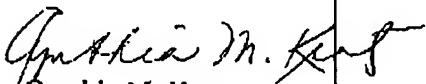
2

accurate. Thus, the declaration is unacceptable as filed.

CONCLUSION

The declaration originally filed on 12 May 2008 is unacceptable as filed. Applicant is required to correct the above-noted defects within **TWO (2) MONTHS** from the mail date of this Decision. Extensions of time are NOT available.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration
Telephone: 571-272-3286
Facsimile: 571-273-0459